

House Joint Resolution 2008 - Introduced

HOUSE JOINT RESOLUTION 2008
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SHEETS

HOUSE JOINT RESOLUTION

1 A Joint Resolution requesting the call of a constitutional
2 convention, or in the alternative requesting the United
3 States Congress, to propose an amendment to the Constitution
4 of the United States repealing the Seventeenth Amendment
5 to the United States Constitution relating to the direct
6 election of senators.

7 WHEREAS, the original intent of the authors of the United
8 States Constitution with regard to the legislative branch was
9 to divide the legislature into two different branches, and both
10 of these branches were to have different modes of election and
11 different principles of action; and

12 WHEREAS, in the Federalist Papers No. 45, James Madison
13 stated, "The Senate will be elected absolutely and exclusively
14 by the State legislatures"; and

15 WHEREAS, the original purpose of the United States
16 Senate was to protect the sovereignty of the states from
17 the federal government and to give each individual state
18 government representation in the federal legislative branch of
19 government; and

20 WHEREAS, the Seventeenth Amendment has resulted in a large
21 federal government with power and control that cannot be
22 checked by the states; and

23 WHEREAS, with the repeal of the Seventeenth Amendment, no
24 law or resolution could be passed without the concurrence of a
25 majority of the representatives of the people and a majority of
26 the representatives of the states; and

27 WHEREAS, the repeal of the Seventeenth Amendment would
28 restore the provision of the United States Constitution that
29 the United States Senators be accountable to their respective
30 state legislatures by whom they were elected; and

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31 WHEREAS, since the ratification of the Seventeenth Amendment
32 in 1913, the size and scope of the federal government has grown
33 exponentially and severely weakened the powers held by the
34 individual states and the people as acknowledged by the Tenth
35 Amendment to the United States Constitution; and

36 WHEREAS, the United States Senate was designed to protect
37 the rights and interests of the individual states, and the
38 repeal of the Seventeenth Amendment would help to prevent the
39 many unfunded mandates passed onto those states by the federal
40 government; NOW THEREFORE,

41 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 That pursuant to Article V of the Constitution of the United
2 States, the general assembly, as the legislature of the state
3 of Iowa, makes application to the Congress of the United States
4 to call a convention for the specific and exclusive purpose
5 of proposing an amendment to the Constitution of the United
6 States, for submission to the states for ratification.

7 BE IT FURTHER RESOLVED, That if, within sixty days after
8 the legislatures of two-thirds of the states make application
9 for such convention, Congress proposes and submits to the
10 states for ratification an amendment to the Constitution of
11 the United States to repeal the Seventeenth Amendment to the
12 Constitution of the United States, in a manner substantially
13 similar to the manner contained in this Joint Resolution, then
14 this application for a convention shall no longer be of any
15 force and effect.

16 BE IT FURTHER RESOLVED, That if the convention is not
17 limited to the specific and exclusive purposes of this Joint
18 Resolution, this application and request shall be null and
19 void, and shall be rescinded and of no effect.

20 BE IT FURTHER RESOLVED, That this application constitutes
21 a continuing application in accordance with Article V of the
22 Constitution of the United States, until at least two-thirds
23 of the legislatures of the several states have made application
24 for a similar convention under Article V, or the Congress has
25 proposed the amendment called for by this Joint Resolution, or
26 the general assembly acts to withdraw this application.

27 "ARTICLE

28 SECTION 1. The seventeenth article of amendment to the
29 Constitution of the United States is hereby repealed.

30 SEC. 2. This amendment shall not be so construed as to
31 affect the election or term of any Senator chosen before it
32 becomes valid as part of the Constitution."; and

33 BE IT FURTHER RESOLVED, That the secretary of state
34 shall transmit certified copies of this Joint Resolution
35 to the president and secretary of the United States

1 senate, the speaker and clerk of the United States house of
2 representatives, the presiding officer in each house of the
3 legislature in each of the states in the union, and each member
4 of the Iowa congressional delegation.

5 EXPLANATION

6 The inclusion of this explanation does not constitute agreement with
7 the explanation's substance by the members of the general assembly.

8 This joint resolution constitutes a petition requesting the
9 United States Congress to call a constitutional convention to
10 repeal the Seventeenth Amendment to the Constitution of the
11 United States.

12 The joint resolution also provides that it shall serve as
13 a continuing application to call a constitutional convention,
14 until at least two-thirds of the legislatures of the several
15 states have made application for a similar convention or
16 the Congress has proposed the amendment called for by this
17 joint resolution. The joint resolution requires that if
18 Congress proposes and submits to the states for ratification an
19 amendment to the Constitution of the United States to repeal
20 the Seventeenth Amendment within 60 days after the requisite
21 number of legislatures make application for a constitutional
22 convention, then this state's application for a convention
23 shall no longer have any force and effect. The joint
24 resolution provides that the general assembly may withdraw this
25 application.

26 The joint resolution provides that if the constitutional
27 convention is not limited to the specific and exclusive
28 purposes of the resolution, that the application and request
29 shall be null and void, and shall be rescinded and of no
30 effect.

31 The proposed amendment to the Constitution of the United
32 States contained in the joint resolution would repeal the
33 Seventeenth Amendment to the Constitution of the United States,
34 but would require that such repeal not be so construed to
35 affect the election or term of any senator chosen before the

1 amendment becomes a valid part of the Constitution.

2 The Seventeenth Amendment requires that the senate of
3 the United States be composed of two senators from each
4 state, elected by the electors of the respective states. The
5 amendment also requires United States Senate electors have the
6 same qualifications requisite for electors of the most numerous
7 chamber in that state legislature. The amendment requires
8 that when a vacancy occurs in a state's representation in the
9 senate, that the governor of the state call an election to fill
10 the vacancy, however, the amendment further provides that the
11 state legislatures may empower the governor to make temporary
12 appointments until an election is held to fill the vacancy.

13 With the repeal of the Seventeenth Amendment, Article I,
14 Section 3 of the Constitution of the United States would govern
15 the election of United States senators and the filling of
16 vacancies in that chamber. Article I, Section 3, requires that
17 the two senators from each state be chosen by the legislature
18 of that state. Article I, Section 3, also requires that if
19 senate vacancies occur while the respective state legislature
20 is in recess that the governor may make a temporary appointment
21 to the senate until the state legislature has reconvened.

22 The joint resolution requires the Secretary of State to
23 transmit certified copies of this resolution to the President
24 and Secretary of the United States Senate, the Speaker and
25 Clerk of the United States House of Representatives, the
26 presiding officer in each house of the legislature in each
27 of the states in the union, and to each member of the Iowa
28 congressional delegation.